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2 UNITED STATES DISTRICT COURT
3 DISTRICT OF NEVADA

4 Aurore Sims,

5 Plaintiff

6 v.

7 Assia Souily-LeFave, et al.,

8 Defendants

Case No. 2:24-cv-00831-CDS-EJY

Order Striking Defendant Around Vegas
LLC's Motions to Dismiss and Denying
Plaintiff's Request for Judicial Notice

[ECF Nos. 24, 45, 64]

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10 Pro se plaintiff Aurore Sims filed a complaint along with an application to proceed *in*
11 *forma pauperis* (IFP) (ECF No. 1) against defendants Assia Souily-LeFave and Around Vegas LLC–
12 1 Day in Las Vegas alleging claims of copyright infringement under the Copyright Act of 1976
13 and fraudulent inducement (ECF No. 1-1). Before the court are Around Vegas's motion to
14 dismiss (ECF No. 24) (original motion to dismiss) and “Amended Motion to Dismiss” (ECF No.
15 64). Also pending is Sims's “Notice of Persistent Falsehoods and Request for Judicial
16 Awareness.” ECF No. 45. For the reasons herein, I strike both motions to dismiss and deny the
17 request for judicial notice.

18 I. Discussion

19 A. Around Vegas's motions to dismiss are stricken.

20 Around Vegas filed its original motion to dismiss on July 11, 2024. ECF No. 24. That
21 motion is fully briefed. *See* Opp'n, ECF No. 35; Reply, ECF No. 41. Approximately two months
22 later, Around Vegas filed a motion titled “Amended Motion to Dismiss.” ECF No. 64. Around
23 Vegas says the purpose of the motion is to “supplemen[t] and amen[d] the Motion to Dismiss . . .
24 by filing this update on developments in the Henderson Justice Court case, which is now
25 concluded.” *Id.* at 2. It is not entirely clear whether Around Vegas intended this motion to be an
26 amended motion that supersedes the prior motion to dismiss¹ or whether Around Vegas

¹ “The proposed amended pleading must be complete in and of itself without reference to the superseded pleading[.]” Local Rule 15-1(a).

intended this motion to be a supplemental pleading in support of the original motion to dismiss. Either way, the “Amended Motion to Dismiss” was filed without leave of the court and in violation of this district’s Local Rules. *See* LR 7-2(g) (“A party may not file supplemental pleadings, briefs, authorities, or evidence without leave of court granted for good cause.”). Therefore I strike both the motion to dismiss and the “Amended Motion to Dismiss.” Around Vegas is also cautioned that future violations of the Local Rules may result in sanctions.²

Around Vegas is granted leave to re-file its motion to dismiss as one document and may include the information presented in the “Amended Motion to Dismiss” in the new filing. However, Around Vegas may not use this new motion to add arguments, or to add facts or information not already present in the original motion to dismiss and the “Amended Motion to Dismiss.”

As Sims has already responded to both the original motion to dismiss and the “Amended Motion to Dismiss,” those responses will still serve as the response to Around Vegas’s new filing and Sims must not file any additional response unless ordered to do so by the court.

B. Sims’s request for judicial notice is denied.

Sims filed a notice titled “Notice of Persistent Falsehoods and Request for Judicial Awareness.” ECF No. 45. In the request, Sims states that she is “filing this Notice to formally bring to the Court’s attention the persistent false statements made by Defendants[.]” *Id.* at 1. After reviewing this notice, it is not clear of what specifically Sims wants the court to take judicial notice of. Federal Rule of Evidence 201 allows the court to take judicial notice of certain adjudicative facts not subject to reasonable dispute because they are (1) generally known within the trial court’s territorial jurisdiction or (2) can be accurately and readily determined from sources whose accuracy cannot reasonably be questioned. Fed. R. Evid 201(b)(1), (2). Allegations that a party is making false statements are not adjudicative facts that fall into either

² I note this is not the first-time defendant’s counsel has violated this district’s local rules. *See* Min. Order, ECF No. 61 in *Gaia Ethnobotanical, LLC v. TI Payments LLC*, No. 2:22-cv-01046-CDS-NJK (striking plaintiff’s filing as oversized in violation of Local Rule 7-3(a-b)).

1 category outlined in Rule 201, so the court cannot take judicial notice of them. Thus, Sims's
2 request for judicial notice is denied.

3 **II. Conclusion**

4 IT IS THEREFORE ORDERED that Around Vegas's motion to dismiss [ECF No. 24]
5 and its "Amended Motion to Dismiss" [ECF No. 64] are STRICKEN without prejudice.

6 IT IS FURTHER ORDERED that Around Vegas is granted leave to re-file its motion to
7 dismiss as one document and may include the information presented in the "Amended Motion to
8 Dismiss" in the new filing. Around Vegas may not use this new motion to add new arguments, or
9 to add facts or information not already present in the original motion to dismiss and the
10 "Amended Motion to Dismiss." Around Vegas must file this new motion by February 13, 2025.
11 Sims should not take any action or file a new response.

12 IT IS FURTHER ORDERED that Sims's request for judicial notice [ECF No. 45] is
13 DENIED.

14 Dated: January 30, 2025

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16 Cristina D. Silva
17 United States District Judge
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